

APPENDIX 10

**AMERICAN ARBITRATION ASSOCIATION
INTERNATIONAL CENTER FOR DISPUTE RESOLUTION**

CALGENE LLC,

Claimant,

v.

RHÔNE-POULENC AGRO S.A.

Respondent.

No. 50 T 153 00190 99

DECLARATION

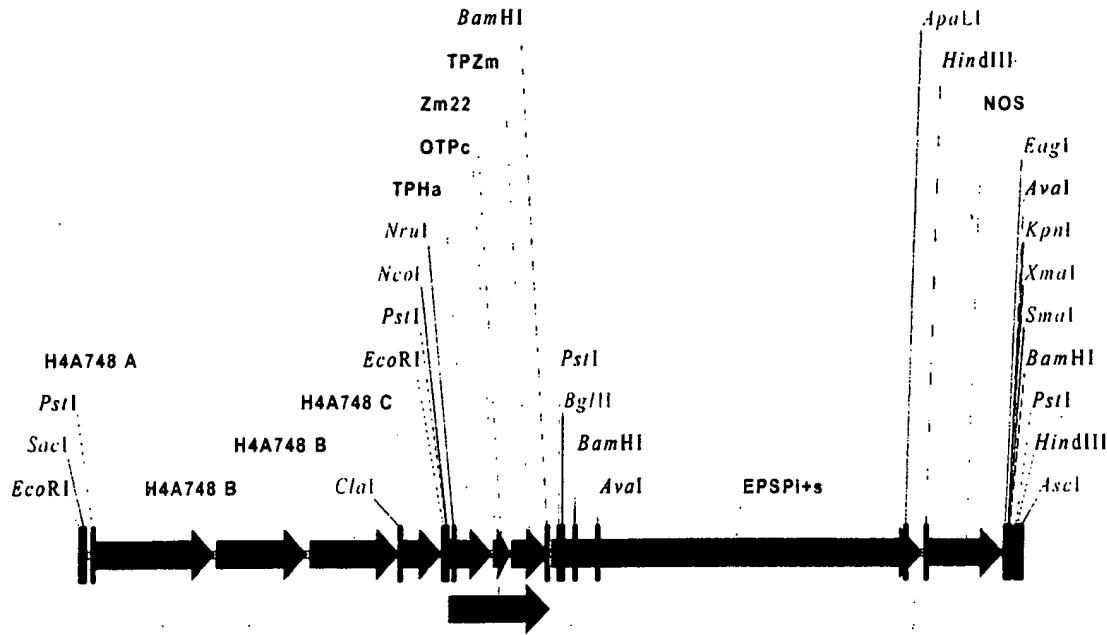
We, Alain Sailland, PhD and Jean-Marc Ferrullo, PhD, hereby declare under penalty of perjury that the facts set forth in the Report "Comparison of Glyphosate Tolerance of Four Coding Sequences in Transgenic Tobacco" are true and correct of our knowledge, and, if called as witnesses, we could and would testify competently that the Report is true and accurate.

We make this Declaration under the penalty of perjury under the laws of the United States, that all of the above statements are made of our own knowledge and are true and correct to the best of our belief. This Declaration is executed this 3th day of April, 2001.

Alain Sailland, PhD

Jean-Marc Ferrullo, PhD

Exhibit 1



Fragment of pRD 2010-sac
3381 bp (molecule 6076 bp)

Coding sequence for pRD 2010-sac :

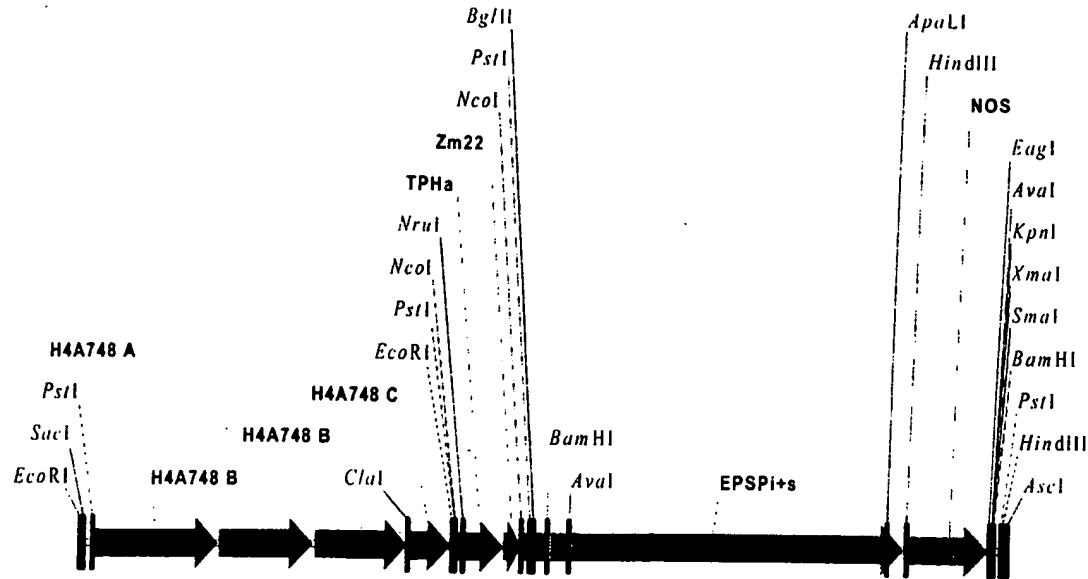
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      F T G L K S N A A F P T T K K A N D F S T L P S
4137 TTCACCGGCTT AAGTCCAACGCC GCCTTCCCACCC ACCAAGAAGGCT AACGACTTCTCC ACCCTTCCCAGC
      N G G R V Q C M Q V W P A Y G N K K F E T L S Y
4209 AACGGTGAAGA GTTCAATGTATG CAGGTGTGGCCG GCCTACGGCAAC AAGAAGTTCGAG ACCTGTCTGTAC
      L P P L S M A P T V M M A S S A T A V A P F Q G
4281 CTGCCGCGCTG TCTATGGCGCCC ACCGTGATGATG GCCTCGTCGGCC ACCGCGCTCGCT CCGTCCAGGGG
      L K S T A S L P V A R R S S R S L G N V S N G G
4353 CTCAGTCCACC GCCAGCTCCCTC GTCGCGCGCCG TCCTCCAGAAGC CTCGGCAACGTC AGCAACGGCGGA
      R I R C M A G A E E I V L Q P I K E I S G T V K
4425 AGGATCCGGTGC ATGGCCGGCGCC GAGGAGATCGTG CTGCAGCCATC AAGGAGATCTCC GGCACGTCAGG
      L P G S K S L S N R I L L L A A L S E G T T V V
4497 CTGCCGGGTCC AAGTCGCTTTC AACCAGATCTC CTACTCGCGCC CTGTCCGAGGG ACAACAGTGGT
      D N L L N S E D V H Y M L G A L R T L G L S V E
4569 GATAACCTGCTG AACAGTGAAGAT GTCCACTACATG CTCGGGGCCTTG AGGACTCTTGGT CTCTCTGTGCA
      A D K A A K R A V V V G C G G K F P V E D A K E
4641 GCCGACAAAGCT GCCAAAGAGCT GTAGTTGTGGC TGTGGTGGAAAG TTCCAGTTGAG GATGCTAAAGAG
      E V Q L F L G N A G I A M R S L T A A V T A A G
4713 GAAGTGCAGCTC TTCTTGGGGAAT GCTGGAATCGCA ATGCGGTCTCTG ACAGCAGCTGTT ACTGCTGCTGGT
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4785 GGAAATGCAACT TACGTGCTTGAT GGAGTACCAAGA ATGAGGGAGAGA CCCATTGGCGAC TTGGTTGTGCGA
      L K Q L G A D V D C F L G T D C P P V R V N G I
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4929 GGAGGGCTACCT GGTGGCAAGGTC AAGCTGTCTGGC TCCATCAGCAGT CAGTACTTGAGT GCCTTGTGTATG
      A A P L A L G D V E I E I I D K L I S I P Y V E
5001 GCTCTCCTTTG GCTCTTGGGAT GTGGAGATTGAA ATCATTGATAAA TTAATCTCCAT CCGTACGTCGAA
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5217 TTGGCTGGTGCT GCAATTACTGGA GGGAGTGTGACT GTGGAAGGTGTG GGCACCACCACT TTGCAGGGTGT
      V K F A E V L E M M G A K V T W T E T S V T V T
5289 GTGAAGTTTGCT GAGGTACTGGAG ATGATGGGAGCG AAGGTTACATGG ACCGAGACTAGC GTAAGTGTACT

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5433	GTGCCCATGACT CTGTCTGTGGTT GCCCTCTTTGCC GATGGCCCGACA GCCATCAGAGAC GTGGCTTCCTGG
	R V K E T E R M V A I R T E L T K L G A S V E E
5505	AGAGTAAAGGAG ACCGAGAGGATG GTTGCATCCGG ACGGAGCTAACC AAGCTGGGAGCA TCTGTTGAGGAA
	G P D Y C I I T P P E K L N V T A I D T Y D D H
5577	GGGCCGGACTAC TGCATCATCAG CCGCCGGAGAAG CTGAACGTGACG GCGATCGACACG TACGACGACCAC
	R M A M A F S L A A C A E V P V T I R D P G C T
5649	AGGATGGCGATG GCTTTCTCCCTT GCCGCCTGTGCC GAGGTCCCCGTC ACCATCCGGGAC CCTGGGTGCACC
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5721	CGGAAGACCTTC CCCGACTACTTC GATGTGCTGAGC ACTTTCGTCAAG AAT

Exhibit 2



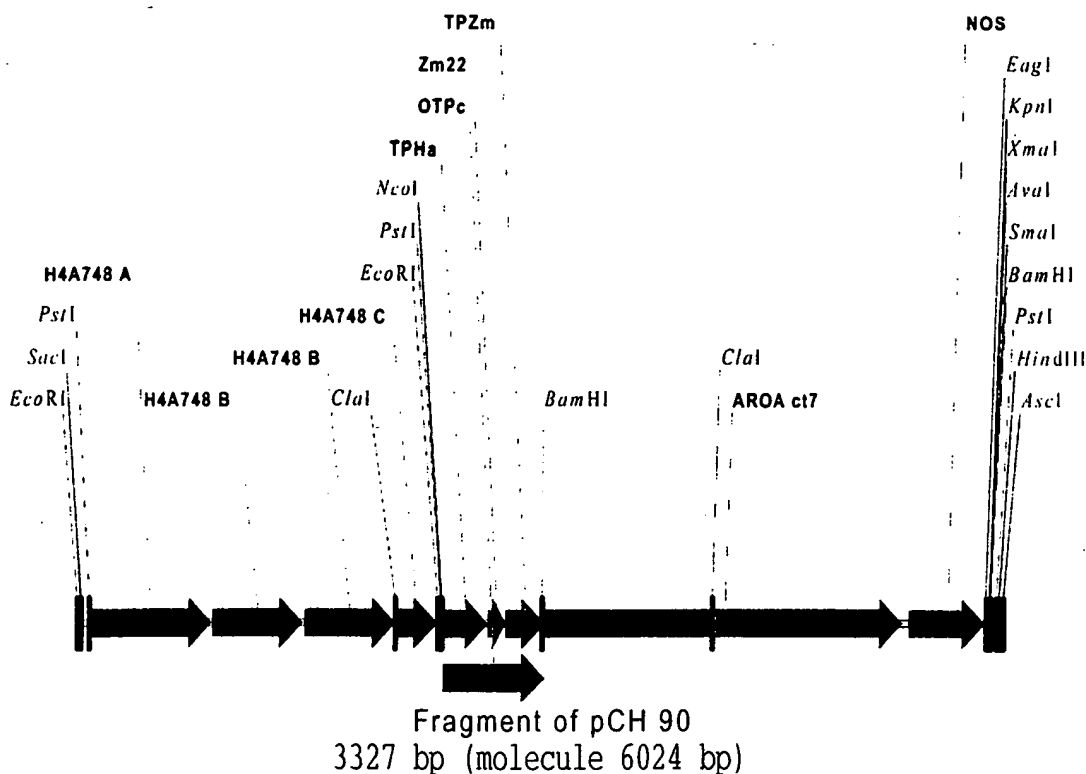
Fragment of pEPS2
3240 bp (molecule 5935 bp)

Coding sequence for pEPS2

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	F T G L K S N A A F P T T K K A N D F S T L P S
5736	TTCACCGGCCTT AAGTCCAACGCC GCCTTCCCCACC ACCAAGAAGGCT AACGACTTCTCC ACCCTTCCCAGC
	N G G R V Q C M Q V W P A Y G N K K F E T L S Y
5808	AACGGTGAAGA GTTCAATGTATG CAGGTGTGGCCG GCCTACGGCAAC AAGAAGTTCGAG ACCTGTGCTGAT
	L P P L S M A G A E E I V L Q P I K E I S G T V
5880	CTGCCCGCGCTG TCCATGGCCGGC GCCGAGGAGATC GTGCTGCAGCCC ATCAAGGAGATC TCCGGCACCGTC
	K L P G S K S L S N R I L L L A A L S E G T T V
17	AAGCTGCCGGGG TCCAAGTCGCTT TCCAACCGGATC CTCTACTCGCC GCCCTGTCCGAG GGGACAACAGTG
	V D N L L N S E D V H Y M L G A L R T L G L S V
89	GTTGATAACCTG CTGAACAGTGAG GATGTCCACTAC ATGCTCGGGGCC TTGAGGACTCTT GGTCTCTCTGTC
	E A D K A A K R A V V V G C G G K F P V E D A K
161	GAAGCGACAAA GCTGCCAAAAGA GCTGTAGTTGTT GGCTGTGGTGA AAGTTCACAGT GAGGAGCTAAA
	E E V Q L F L G N A G I A M R S L T A A V T A A
233	GAGGAAGTGCAG CTCTTCTTGGGG AATGCTGGAATC GCAATGCGGTCC TTGACAGCAGCT GTTACTGCTGCT
	G G N A T Y V L D G V P R M R E R P I G D L V V
305	GGTGGAAATGCA ACTTACGTGCTT GATGGAGTACCA AGAATGAGGGAG AGACCCATTGGC GACTTGGTTGTC
	G L K Q L G A D V D C F L G T D C P P V R V N G
377	GGATTGAAGCAG CTTGGTGCAGAT GTTGATTGTTTC CTTGGCACTGAC TGCCACCTGTT CGTGTCAATGGA
	I G G L P G G K V K L S G S I S S Q Y L S A L L
449	ATCGGAGGGCTA CCTGGTGGCAAG GTCAAGCTGTCT GGCTCCATCAGC AGTCAGTACTTG AGTGCCTTGCTG
	M A A P L A L G D V E I E I I D K L I S I P Y V
521	ATGGCTGCTCCT TTGGCTCTTGGG GATGTGGAGATT GAAATCATTGAT AAATTAATCTCC ATTCCGTACGTC
	E M T L R L M E R F G V K A E H S D S W D R F Y
593	GAAATGACATTG AGATTGATGGAG CGTTTGGTGTG AAAGCAGAGCAT TCTGATAGCTGG GACAGATTCTAC
	I K G G Q K Y K S P K N A Y V E G D A S S A S Y
665	ATTAAGGGAGGT CAAAAATACAAG TCCCTAAAAAT GCCTATGTGAA GGTGATGCCCTCA AGCGCAAGCTAT
	F L A G A A I T G G T V T V E G C G T T S L Q G
737	TTCTTGGCTGGT GCTGCAATTACT GGAGGACTGTG ACTGTGGAAGGT TGTGGCACCACC AGTTTGCAGGGT
	D V K F A E V L E M M G A K V T W T E T S V T V
809	GATGTGAAGTTT GCTGAGGTACTG GAGATGATGGGA GCGAAGGTTACA TGGACCGAGACT AGCGTAACGTGT
	T G P P R E P F G R K H L K A I D V N M N K M P
881	ACTGGCCCCCG CGGAGCCATTT GGGAGGAAACAC CTCAAGGCGATT GATGTCAACATG AACAAGATGCCT
	D V A M T L A V V A L F A D G P T A I R D V A S
953	GATGTGCCCATG ACTCTTGCTGTG GTTGCCTCTTT GCCGATGGCCCG ACAGCCATCAGA GACGTGGCTTCC
	W R V K E T E R M V A I R T E L T K L G A S V E
1025	TGGAGAGTAAAG GAGCCGAGAGG ATGTTTGGCATG CGGACCGAGCTA ACCAAGCTGGGA GCATCTGTTGAG

E G P D Y C I I T P P E K L N V T A I D T Y D D
1097 GAAGGGCCGGAC TACTGCATCATC ACGCCGCCGGAG AAGCTGAACGTG ACGGCGATCGAC ACGTACGACGAC
H R M A M A F S L A A C A E V P V T I R D P G C
1169 CACAGGATGGCG ATGGCTTTCTCC CTTGCCGCCTGT GCCGAGGTCCCC GTCACCATCCGG GACCCTGGGTGC
T R K T F P D Y F D V L S T F V K N
1241 ACCCGGAAGACC TTCCCCGACTAC TTCGATGTGCTG AGCACTTTCGTC AAGAAT

Exhibit 3.



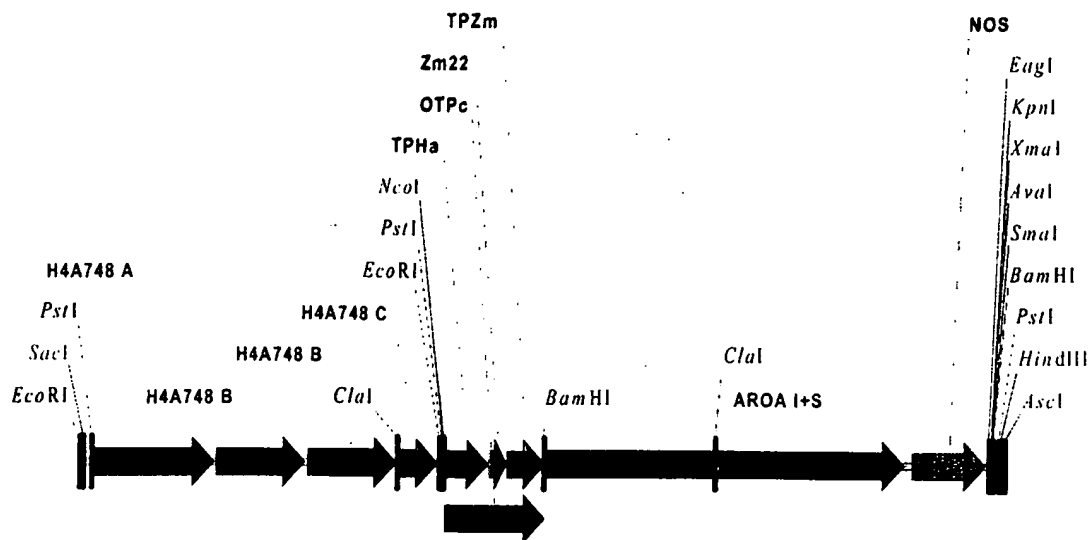
Coding sequence for pCH90:

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      N G G R V Q C M Q V W P A Y G N K K F E T L S Y
4209   AACGGTGAAGA GTTCAATGTATG CAGGTGTGGCCG GCCTACGGCAAC AAGAAGTTCGAG ACGCTGTCGTAC
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4281   CTGCCGCCGCTG TCTATGGGCCCC ACCGTGATGATG GCCTCGTCGGCC ACCGCCGTCGCT CCGTTCACAGGG
      L K S T A S L P V A R R S S S R S L G N V S N G G
4353   CTCAAGTCCACC GCCAGCCTCCCC GTCGCCCGCCCG TCCTCCAGAAGC CTCGGCAACGTC AGCAACGGCGGA
      BamHI
      -----
4425   R I R C M E S L T L Q P I A R V D G A I N L P G
      AGGATCCGGTGC ATGGAATCCCTG ACGTTACAACCC ATCGCGCGGGTC GATGGCGCCATT AATTACCTGGC
      S K S V S N R A L L L A A L A C G K T A L T N L
4497   TCCAAAAGTGTT TCAAACCGTGCT TTGCTCCTGGCG GCTTTAGCTTGT GGTAAAACCGCT CTGACGAATCTG
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4569   CTGGATAGCGAT GACGTCCGCCAT ATGCTCAATGCC CTGAGCGCGTTG GGGATCAATTAC ACCCTTTCTGCC
      D R T R C D I T G N G G A L R A P G A L E L F L
4641   GATCGCACCCGC TGTGATATCACG GGTAAATGGCGG GCATTACGTGCG CCAGGCGCTCTG GAACTGTTTCTC
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4713   GGTAATGCCGGA ACCGCGATGCGT TCGTTAGCGGCA GCGCTATGTCTG GGGCAAAATGAG ATAGTGTTAACC
      G E P R M K E R P I G H L V D S L R Q G G A N I
4785   GGCGAACC CGT ATGAAAGAGCGT CCGATAGGCCAT CTGGTCGATTCTG CTGCGTCAGGGC GGGCGGAATATT
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4857   GATTACCTGGAG CAGGAAACTAT CCGCCCTGCGT CTGCGCGGCGGT TTTACCGGCGGC GACATTGAGGTT
      D G S V S S Q F L T A L L M T A P L A P K D T I
4929   GATGAGTACGTT TCCAGCCAGTTC CTGACCCTCTG CTGATGACGGCG CCGCTGGCCCTT AAAACACAAATT
      ClaI
      -----
5001   I R V K G E L V S K P Y I D I T L N L M K T F G
      ATTTCGGTTAAA GGCGAATCGGTA TCAAAACCTTAC ATCGATATCACG CTAAATTTAATG AAAACCTTTGGC
      V E I A N H H Y Q Q F V V K G G Q Q Y H S P G R
5073   GTGGAGATAGCG AACCACCACTAC CAACAATTGTG GTGAAGGGAGGT CAACAGTATCAC TCTCCAGGTCCG
  
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 K V T G I G R K S M Q G D I R F A D V L E K M G
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 A T I T W G D D F I A C T R G E L H A I D M D M
 5249 GCGACCATTACC TGGGGCGATGAT TTTATTGCCTGC ACGCGCGGTGAA TTGCACGCCATA GATATGGATATG
 N H I P D A A M T I A T T A L F A K G T T T L R
 5361 AACCATATTCGG GATGCGGCGATG ACGATTGCCACC ACGGCGCTGTTT GCGAAAGGAACC ACGACGTTGCGC
 N I Y N W R V K E T D R L F A M A T E L R K V G
 5411 AATATTTATAAC TGGCGAGTGAAA GAAACCGATCGC CTGTTTCGCGATG GCGACCGAGCTA CGTAAAGTGGGC
 A E V E E G H D Y I R I T P P A K L Q H A D I G
 5505 GCTGAAGTCGAA GAAGGGCAGCAC TATATTCGTATC ACGCCGCCGGCG AAGCTCCAACAC GCGGATATTGGC
 T Y N D H R M A M C F S L V A L S D T P V T I L
 5577 ACGTACAACGAC CACCGTATGGCG ATGTGCTTCTCA CTGGTCGCACTG TCCGATACGCCA GTTACGATCCTG
 D P K C T A K T F P D Y F E Q L A R M S T P A
 5649 GACCCTAAATGT ACCGCAAAAACG TTCCCTGATTAT TTCGAACAACTG GCGCGAATGAGT ACGCCTGCC

Exhibit 4



Fragment of pCH 91
3329 bp (molecule 6024 bp)

Coding sequence for pCH91:

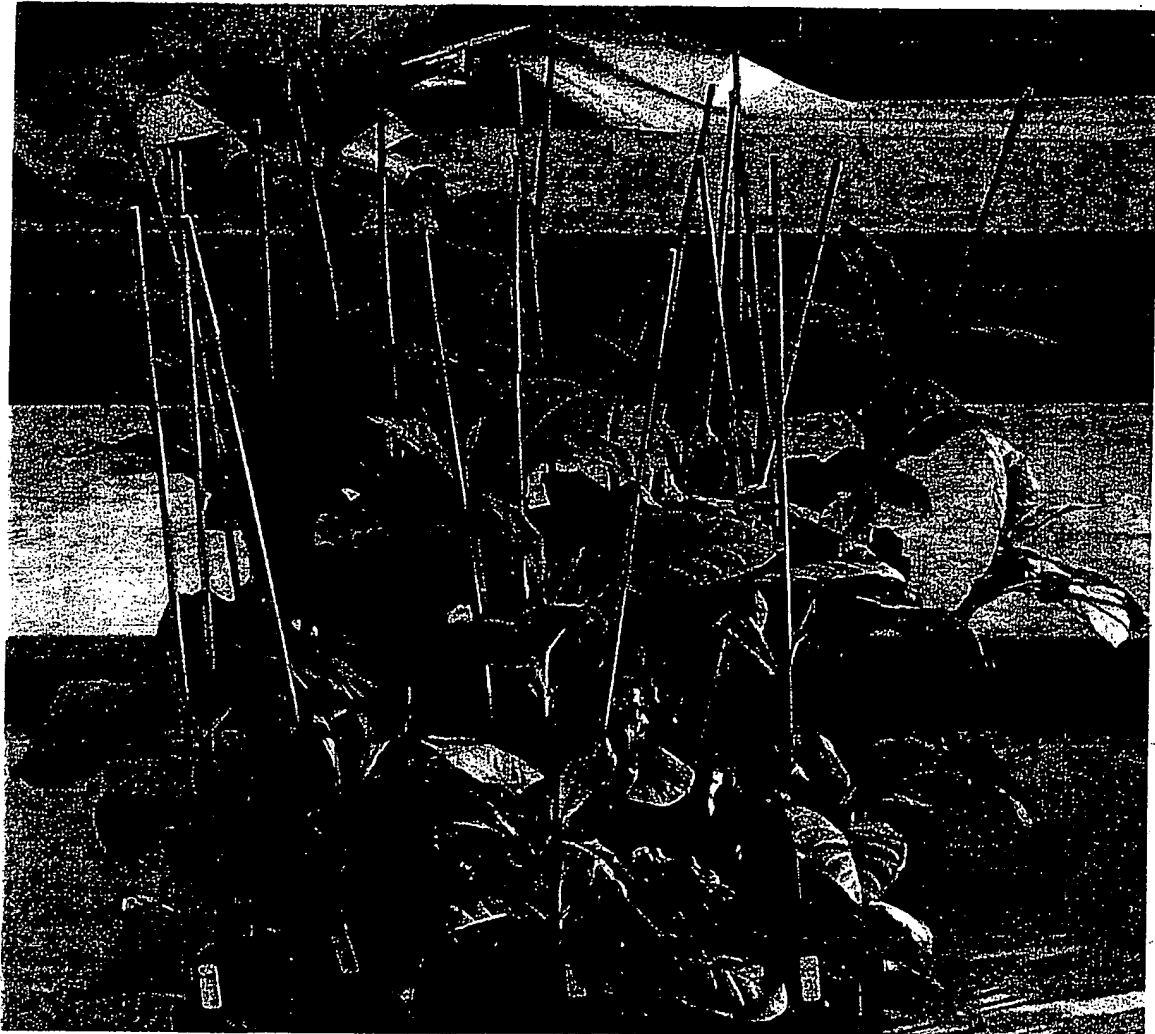
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5435  F T G L K S N A A F P T T K K A N D F S T L P S
      TTCACCGGCTT AAGTCCAACGCC GCCTTCCCCACC ACCAAGAAGGCT AACGACTTCTCC ACCCTTCCCAGC
5507  N G G R V Q C M Q V W P A Y G N K K F E T L S Y
      AACGGTGAAGA GTTCAATGTATG CAGGTGTGGCCG GCCTACGGCAAC AAGAAGTTCGAG ACCTGTGCTGAC
5579  L P P L S M A P T V M M A S S A T A V A P F Q G
      CTGCCGCCGCTG TCTATGGCGCCC ACCGTGATGATG GCCTCGTCGGCC ACCGCCGTCGCT CCGTTCACGGGG
5651  L K S T A S L P V A R R S S R S L G N V S N G G
      CTCAAGTCCACC GCCAGCTTCCCC GTCCGCCGCCGC TCCTCCAGAAGC CTCGGCAACGTC AGCAACGGCGGA
5723  R I R C M E S L T L Q P I A R V D G A I N L P G
      AGGATCCGGTGC ATGGAATCCCTG ACCTTACAACCC ATCGCGCGGGTC GATGGCGCCATT AATTTACCTGGC
5795  S K S V S N R A L L L A A L A C G K T A L T N L
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5867  L D S D D V R H M L N A L S A L G I N Y T L S A
      CTGGATAGCGAT GACGTCCGCCAT ATGCTCAATGCC CTGAGCGCGTTG GGGATCAATTAC ACCCTTCTGGCC
5939  D R T R C D I T G N G G A L R A P G A L E L F L
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6011  G N A G I A M R S L A A A L C L G Q N E I V L T
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59  G E P R M K E R P I G H L V D S L R Q G G A N I
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131  D Y L E Q E N Y P P L R L R G G F T G G D I E V
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203  D G S V S S Q F L T A L L M T A P L A P K D T I
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275  I R V K G E L V S K P Y I D I T L N L M K T F G
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347  V E I A N H H Y Q Q F V V K G G Q Q Y H S P G R
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419  Y L V E G D A S S A S Y F L A A G A I K G G T V
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491  K V T G I G R K S M Q G D I R F A D V L E K M G
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563  A T I T W G G D D F I A C T R G E L H A I D M D M
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635  N H I P D A A M T I A T T A L F A K G T T T L R
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707 N I Y N W R V K E T D R L F A M A T E L R K V G
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T Y N D H R M A M C F S L V A L S D T P V T I L
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D P K C T A K T F P D Y F E Q L A R M S T P A
923 GACCCTAAATGT ACCGCAAAAACG TTCCTGATTAT TTCGAACAACTG GCGCGAATGAGT ACGCCTGCC

Exhibit 5: OTP - DMMG



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Exhibit 6: TPha+22AAmz - DMMG



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Exhibit 7: OTP - DMARoA



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Exhibit 8:
Comparison OTP-DMMG (left) and TPha+22AAmz-DMMG (right)



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Exhibit 9:
Comparison OTP - DMMG (left) v. OTP - DMaroA (right)



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Exhibit 10:
OTP-DMMG (left); OTP-DMAroA; and TPha+22AAmz-DMMG (right)



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